

**RESOLUTION
REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

WHEREAS, the Regional Planning Commission of the County of Los Angeles has conducted a public hearing on June 22, 2005 and further discussed the matter of amendments to the Los Angeles County Code relating to density bonuses for affordable housing and senior citizen housing on October 26, 2005, February 15, 2006, and March 22, 2006; and

WHEREAS, the Commission finds as follows:

1. There continues to be: a housing shortage in Los Angeles County, which adversely affects housing affordability for all of Los Angeles County's residents; a widespread lack of permanent housing with long-term affordability; and, a need to develop strategies that encourage a diversity of housing types for different needs and levels of income.
2. The County's experience suggests the need to go beyond the basic minimum required by State Density Bonus Law. In the Department of Regional Planning's 2005 Annual Progress Report to the Board of Supervisors on the General Plan, it is noted that the County has achieved less than 10 percent of its Regional Housing Needs Assessment (RHNA) fair-share housing goals for low- and very-low income dwelling units for the period 1998-2005. This indicates a deficit of 7,260 low-income units and 8,363 very-low income units from the RHNA goals determined by the Southern California Association of Governments. For the 10-year period, starting January 1, 1995, the County approved 357 affordable units through the existing density bonus program, and this low amount suggests that more substantial measures are needed to stimulate increased affordable housing production.
3. There is a need to streamline the entitlements process for affordable housing and senior citizen housing by reducing unnecessary regulatory barriers and providing incentives.
4. The State passed SB 1818, in September 2004, which enacted significant amendments to Section 65915 of the California Government Code (also referred to as the "State Density Bonus Law"), and passed SB 435 in September 2005, which enacted additional minor changes and clarifications to the statute.
5. Section 65915 et seq. mandates that all local governments must grant a density bonus and/or incentives or concessions to eligible housing developments of five or more units, if they include a specified percentage of affordable housing or senior citizen housing, or if the applicant donates land for the purpose of building affordable housing.

6. Section 65915(a) of the Government Code requires that the County must adopt an ordinance that specifies how compliance with State Density Bonus Law will be implemented.
7. Section 65915(c)(1) of the Government Code requires that the applicant shall agree to, and the county shall ensure, continued affordability of all lower and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
8. Section 65915(c)(2) of the Government Code requires that the applicant shall agree to, and the county shall ensure, that the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in a common interest development are persons and families of moderate income, and that the county shall enforce an equity-sharing agreement, unless it is in conflict with the requirements of another public funding source or law.
9. Sections 65915(g)(5) and (k) of the Government Code state that the granting of a density bonus, or incentive or concession, shall not, in and of itself, require a general plan amendment, local coastal plan amendment, zoning change, conditional use permit, or other discretionary approval.
10. The County Zoning Ordinance currently requires a conditional use permit (CUP) for density bonuses and incentives for affordable housing and senior citizen housing, which is inappropriate under Section 65915 because a CUP requires a discretionary review procedure.
11. On January 26, 2005, the Regional Planning Commission instructed DRP staff to commence work on amending the Los Angeles County Code to reflect the recent major changes made to State Density Bonus Law, to remove the discretionary CUP requirement, and to provide meaningful incentives to facilitate the production of affordable housing.
12. On June 22, 2006, the Regional Planning Commission held a duly noticed public hearing. After receiving testimony from 10 individuals (9 in support and one expressing concern), the Commission closed the public hearing regarding the draft density bonus ordinance, and requested staff to report back to the Commission with a revised draft ordinance addressing the concerns and feedback received from the Commission, the County staff and testifiers.
13. The proposed ordinance amendments are intended to implement state-mandated density bonus provisions for affordable housing and senior citizen housing by granting density bonuses and incentives to qualified projects through an administrative procedure. The proposed ordinance replaces the requirement for a conditional use permit with an administrative housing permit, which implements

the provisions for by-right density bonuses and incentives for affordable housing and senior citizen housing consistent with the provisions of Sections 65915(g)(5) and (k).

14. Section 65915(n) of the Government Code authorizes the County to adopt special code provisions that allow the granting of density bonuses that are greater than the basic bonuses required by State Density Bonus Law, or for proportionately lower density bonuses for developments that do not meet the basic requirements, and so the proposed ordinance provides additional options that are tailored to address the specific future affordable and senior citizen housing needs of the County.
15. The proposed ordinance supports the County's efforts to encourage appropriate infill development, and therefore provides additional density bonuses and incentives to eligible participants in the County Infill Sites Program, which accommodates housing developments of four units or less, through an administrative housing permit procedure.
16. The proposed ordinance supports the County's efforts to encourage a broad range of affordable moderate income for-sale housing, and therefore provides density bonuses for moderate income single-family housing developments through an administrative housing permit procedure.
17. The proposed ordinance creates additional options to request a higher density bonus for affordable housing or senior citizen housing through a discretionary procedure, which gives the County the flexibility to consider appropriate density bonuses for projects that may not otherwise qualify through the limited provisions of State Density Bonus Law.
18. The discretionary review is provided through a discretionary housing permit which provides additional density bonus options for affordable housing and senior citizen housing for developments that meet or exceed the minimum set-aside requirements as specified in State Density Bonus law, but may not be eligible for by-right bonuses and incentives. These options are necessary since some worthy developments may provide design features or amenities that may be desirable, but may not be necessary to keep the rents affordable for the set-aside units, and may be justified for social or other economic reasons.
19. The proposed ordinance provides additional reductions in required parking for 100 percent affordable housing developments based on research presented to the Regional Planning Commission indicating that affordable housing developments, particularly those located in proximity to public transit, do not need as much parking as market-rate housing developments. The planning staff reviewed recent residential parking demand case studies and published literature, which indicates a clear relationship between income, proximity to transit, and vehicle ownership. In general, studies show: 1) that low income

households tend to own fewer vehicles and therefore demand less parking than higher income households; 2) that low income households and households located near public transit tend to own fewer vehicles, and 3) vehicle ownership tends to decrease as density increases.

20. The proposed ordinance restructures housing provisions in Titles 21 and 22 of the Los Angeles County Code for ease of use, deletes obsolete provisions, amends existing references for internal consistency and establishes revised fees.
21. Amending the County's density bonus provisions will reduce unnecessary regulatory barriers and facilitate the production of affordable and senior citizen housing which is consistent with the intent of Section 65583(a)(4) of State Housing Element Law, and is in conformance with regulatory concessions that reduce governmental constraints as identified in the County's adopted and State-certified Housing Element (at Chapter 6, Page 21).
22. The proposed ordinance is compatible with and supportive of the policies of the Los Angeles County General Plan and the Los Angeles County Housing Element in that it facilitates development of needed affordable housing and senior citizen housing to the residents of unincorporated Los Angeles County.
23. The proposed ordinance supports Goal 1 in the Housing Element, which promotes "(a) wide range of housing types in sufficient quantity to meet the needs of current and future residents, particularly persons and households with special needs, including but not limited to lower-income households, senior citizens, and the homeless," in that it encourages a diversity of housing types, and provides incentives for affordable housing and senior citizen housing.
24. The proposed ordinance supports Goal 2 in the Housing Element, which promotes "(a) housing supply that ranges broadly enough in price and rent to enable all households regardless of income, to secure adequate housing," in that it encourages both multifamily and single family housing, for-sale and rental housing, as well as mixed income housing, affordable housing and senior citizen housing.
25. The proposed ordinance supports Goal 3 in the Housing Element, which promotes "(n) neighborhoods that protect the health, safety and welfare of the community, and that enhance public and private efforts to maintain, reinvest in, and upgrade the existing housing supply," in that it applies to housing developments that are significantly rehabilitated, and also includes built-in safety nets for incentives and waivers or modifications to development standards to ensure that they do not have an adverse impact on the public health and safety, the physical environment or historic resources.
26. This comprehensive amendment to the density bonus provisions of the Los Angeles County Code affects Titles 21 and 22 and is in conformance with the

density bonus and affordable housing incentives requirements mandated by the State of California, as contained in Section 65915 et seq. of the California Government Code.

27. The Commission has considered information that estimates the average annual total units generated through projects incorporating density bonuses, over the period 2005-2025, would potentially range from 75 units/year (status quo), 150 units/year (moderate growth), or 300 units/year (higher growth) under a reasonable range of growth scenarios. The year 2025 is used in the analysis because it represents the horizon year for the General Plan Update.
28. The Commission has also considered information estimating that approximately one-third of these additionally generated units (or 25/50/100 units, respectively) will result directly from density bonuses. These projected units would be dispersed over the 2,584 square miles of the unincorporated area, but would be located primarily within the existing urban area in proximity to existing urban infrastructure and employment opportunities. Compared to the annual average, from 1998-2004, of 2,980 units/year, the increase in units through density bonus projects may represent an estimated 10 percent or less of total permitted units. It should be noted that the increase in units through density bonuses is tied to the provision of affordable housing units, which contribute positively to enhancing the environment through the reduction in blight and substandard physical conditions within the unincorporated area. Therefore, based on this analysis, the Commission concluded that the proposed amendment would not result in a substantial change in the environment. It is anticipated that individual projects will undergo appropriate environmental evaluation or environmental review as they are proposed.
29. An Initial Study was prepared for the proposed ordinance amendments in compliance with the California Environmental Quality Act, which demonstrates that there is no substantial evidence that the amendments will have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a related Negative Declaration for this project.

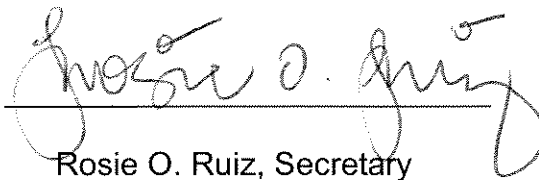
THEREFORE, BE IT RESOLVED THAT the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. That the Board hold a public hearing to consider the proposed ordinance amendments to the Los Angeles County Code that would implement state-mandated density bonus provisions for affordable housing and senior citizen housing, pursuant to Section 65915 of the California Government Code, effective January 1, 2006; create additional local provisions to stimulate the production of affordable housing and senior citizen housing; create a housing permit to implement both state and local goals for affordable housing and senior citizen housing; and restructure affordable housing and senior citizen housing provisions

in Titles 21 and 22 for ease of use, delete obsolete provisions, amend existing references for internal consistency and establish revised fees.

2. That the Board adopt the attached Negative Declaration and find that the proposed amendments to Titles 21 and 22 will not have a significant effect on the environment;
3. That the Board adopt an ordinance containing modifications to the Los Angeles County Code, as recommended by this Commission, and determine that the modifications are compatible with and supportive of the goals and policies of the Los Angeles County General Plan.

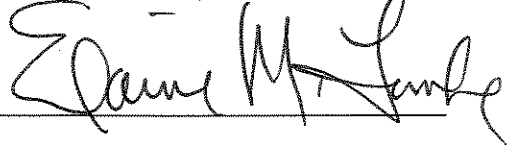
I hereby certify that the foregoing resolution was adopted by the Los Angeles County Regional Planning Commission on March 22, 2006.

By 

Rosie O. Ruiz, Secretary
Los Angeles County
Regional Planning Commission

APPROVED AS TO FORM:

OFFICE OF THE COUNTY COUNSEL

By 

ELAINE LEMKE
Principal Deputy County Counsel